IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 946 of 2005 (S/S)

Harday Narayan S/o Balak Ram
R/o Kothari Bhawan Lakri Parao
Kotdwar, District Pauri Garhwal ….Petitioner

Versus

1. State of Uttaranchal through
Secretary M madhyamic Siksha
Government of Uttaranchal
Dehradun Uttaranchal
2. Director madhyamik Shiksha
Uttaranchal, Dehradun
3. District Education Officer
Pauri Garhwal
4. Principal
Rajkiya Uchchtar Madhyamic Vidyalay
Kotdwar
District Pauri Garhwal …..Respondents

Sri R.K. Raizada, learned counsel for the petitioner
Sri H. Belwal, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 (annexure No. 1 to the petitioner) passed by the respondent No. 3.

Brief facts giving rise to this petition are that the petitioner was appointed as Lecturer (L.T. Grade) in Government Inter College, Anjani Sain in District Tehri Garhwal w.e.f. 23.10.1982.

Now, presently the petitioner is posted as Rajkiya Uchchtar Madhyamic Vidyalay, Kotdwar, District Pauri Garhwal and the respondent No. 4 vide order dated 30.06.2005 issued transfer order of the petitioner from Rajkiya Uchchtar Madhyamic Vidyalay, Kotdwar, District Pauri Garhwal to Rajkiya Uchchtar madhyamic Vidyalay, Musasu, District Pauri Garhwal.

Feeling aggrieved by the aforesaid impugned transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner stated that the age of the petitioner is 51 years old and he is suffering from various diseases like Hernia, Glaucoma, Chiluria (kidney ailment), High Blood Pressure etc.

Learned counsel for the petitioner has further invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules for Transfer policy relating to Teacher of Basic and Secondary Education.

It has further been submitted that the policy which has been envisaged in Government Order dated 13.05.2005 has not been considered by the respondent in passing the impugned transfer order dated 29.06.2005.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

However, in view of the above discussion, I am of the view that the writ petition should be finally disposed of with a direction that the petitioner shall file representation before the respondent No. 3 along with certified copy of the judgment passed by this Court within a period of 15 days, who shall decide the representation of the petitioner in the light of the Government Order which has been mentioned by me in the body of the judgment, within a period of 15 days from the date of receipt of the certified copy of the judgment by passing speaking and reasoned order.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

14.07.2005
ASWAL